

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NITROCrete LLC,
Plaintiff

v.

**Drew Raymond Nelson, Mark Edward
Nelson, and Nitro Founders II, LLC,**
Defendants

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Case No. 1:25-cv-00198-RP

ORDER

The District Court referred for disposition Defendants’ Motion to Stay Discovery Pending Their Motion to Dismiss, filed April 15, 2025 (Dkt. 10), and Plaintiff’s Opposed Motion for Leave to Take Limited Jurisdictional Discovery and Unopposed Motion for Extension of Time to Respond to Defendants’ Motion to Dismiss, filed April 28, 2025 (Dkt. 12).¹ On May 19, 2025, this Magistrate Judge issued an order setting a hearing on the motions for June 18, 2025. Dkt. 17.

On June 4, 2025, Defendants filed an Unopposed Motion for Leave to Partially Withdraw their Motion to Dismiss. Dkt. 18. In their unopposed motion, Defendants asked the Court for leave to withdraw their argument that the Court lacks personal jurisdiction over them. *Id.* at 1. By Text Order entered June 5, 2025, the District Court granted Defendants’ unopposed motion to withdraw this argument and dismissed Plaintiff’s motion for jurisdictional discovery (Dkt. 12) as moot.

In its response to Defendants’ motion to stay discovery, Plaintiff argued only that it “should be permitted limited discovery on issues of personal jurisdiction raised by Defendants’ Motion to Dismiss.” Dkt. 11 at 1. Because Defendants have withdrawn their motion to dismiss as to their argument that the Court lacks personal jurisdiction over them, Plaintiff’s request that the Court

¹ Text Orders entered May 13, 2025, referring the motions to this Magistrate Judge for disposition pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of the Local Rules of the United States District Court for the Western District of Texas.

“order limited discovery on the issue of personal jurisdiction” is now moot. Dkt. 11 at 3. Plaintiff requested no other discovery at this time, and the Court agrees with Defendants that “it appears that there is no dispute that discovery into the substantive issues of the case should be stayed until the resolution of the pending Motion to Dismiss.” Dkt. 15 at 1.

For these reasons, the Court **ORDERS** that the hearing set for June 18, 2025 is **CANCELED**, Defendants’ Motion to Stay Discovery Pending Their Motion to Dismiss (Dkt. 10) is **GRANTED** as unopposed, and all discovery in this case is **STAYED** pending further order of the Court.

The Court **FURTHER ORDERS** the Clerk to remove this case from this Magistrate Judge’s docket and return it to the docket of the Honorable Robert Pitman.

SIGNED on June 11, 2025.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE